IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPLICATION NO.1068 OF 2005

Dr.Cavas Fredoon Bilimoria : Applicant.

versus

The State of Maharashtra

& ors. : Respondents.

Mr.A.H.H.Ponda for the applicant.

Smt.V.R.Bhosale, APP, for the State.

CORAM : D.G.DESHPANDE

DATED : MARCH 18, 2006.

P.C.

1. By this application, the applicant - original accused has challenged the order of issuance of process passed by the Magistrate. This Court, (Coram : Smt.V.K.Tahilramani,J), in the case of **V.K.Jain and others v/s. Pratap Padode and another reported in 2005(3) Mh.L.J.**

778 held that the power of High Court under Section 482 of the Criminal Procedure Code should not be exercised when efficacious remedy of preferring revision before the Sessions Court against the order of issuing process is available to the applicants. Therefore, the applicant/accused should approach the Sessions Court by preferring revision in respect of the order of the Magistrate issuing process. In this view of the matter, this application is not maintainable. It is disposed of with liberty to the applicant to approach the concerned Sessions Court within four weeks from today. Ad-interim order to continue till then. Needless to say that the time spent in this application will be taken into consideration by the Sessions Court while entertaining that revision. All issues raised by the applicant here are kept open.

[D.G.DESHPANDE]